

REMARKS:

- 1) Referring to item 12) of the Office Action Summary, the Examiner is respectfully requested to acknowledge the foreign priority claim, and receipt of the Certified Copy of the Priority Document, which was filed herein with the original application papers on January 25, 2002.
- 2) Referring to the top of page 2 of the Office Action, the drawing objection has been obviated by the cancellation of claim 7. Please withdraw the objection. Furthermore, an amended Fig. 2 has been submitted, to correct the direction of the section line arrows V-V. Approval and entry of the Replacement Sheet bearing Fig. 2 are respectfully requested.
- 3) The Examiner's attention is directed to applicants' third Information Disclosure Statement being filed together with the present Response. Please consider the cited reference, and return an initialed, signed, and dated acknowledgment copy of the Third IDS Form PTO-1449 of September 20, 2004.
- 4) The claims have been amended as follows. Independent claim 1 has been amended to recite two additional features of the invention, as supported without limitation in the original disclosure, for example at page 1, line 20 to page 2, line 20; page 3, lines 16 to 32; page 4, lines 1 to 16; and Fig. 5. Thus, the amendment of claim 1 does not introduce any new matter. Claim 7 has been canceled. New claims 8 to 15 have been added. The new claims

are supported without limitation in the original disclosure as shown in the following table, and do not introduce any new matter. Entry and consideration of the claim amendments and the new claims are respectfully requested.

New Claims	8	9	10	11	12	13	14	15
Original Support	Fig.1	Fig.4	Fig.3	Cl.1,2,3; pg.1, ln.20- pg.2, ln.20; pg.3, ln.16-32; pg.4, ln.1-16; Fig.5	Figs. 2,3	Figs. 2,3,5	Fig.3; pg.4, ln.21-27	Fig.2

- 5) Referring to pages 2 to 3 of the Office Action, the rejection of claims 1 to 6 as anticipated by EP 0,299,670 (EP '670) is respectfully traversed.

Independent claim 1 has been amended to more clearly define certain significant distinguishing features of the invention in comparison to the prior art. For example, in the inventive battery structure, the reinforcing rib extends through a see-through area of the see-through window portion displaced inwardly away from edges of the see-through window portion. This feature of the invention is clearly exemplified in Figs. 1, 2, 3, 5, etc.

Contrary thereto, EP '670, as interpreted by the Examiner, includes a see-through window (6) having a thicker portion in the form of an oval window frame around the perimeter edges of the window. The Examiner has asserted that such a window frame

corresponds to the presently claimed reinforcing rib. However, that window frame is **NOT** positioned as required in present amended claim 1, namely to extend through a see-through area displaced inwardly away from edges of the see-through window portion. Instead, the window frame extends along the perimeter edge of the window (6) at a location outwardly around the see-through area of the window rather than extending through the see-through area.

Also, since the window frame according to EP '670 is used to mount the window (6) into an opening in the sidewall (4) of the battery case, it would only make sense that the window frame must be provided all the way at the perimeter edge of the window. Thus, a modification in the manner of the invention also would not have been suggested or obvious, because such a modification would not have served the express purpose required by EP '670.

For the above reasons, EP '670 does not disclose all features of present independent claim 1, and also would not have suggested such features to a person of ordinary skill in the art. Thus, claim 1 and its dependent claims 2 to 6 are not anticipated and would not have been obvious over the reference. The Examiner is respectfully requested to withdraw the rejection of claims 1 to 6 as anticipated by EP '670.

- 6) Referring to the top of page 4 of the Office Action, the rejection of claims 1, 3 and 6 as obvious over either JP 51-114641 (JP '641) or JP 52-114235 (JP '235) in view of US Patent 4,076,906 (Jensen) is respectfully traversed.

The two JP references disclose the general structure of a see-through window provided in a sidewall of a battery casing. The Examiner has turned to Jensen for allegedly disclosing a reinforcing rib (18) provided at a see-through window (14).

Actually, the element (18) of Jensen is a "resilient triangular member 18" which acts as an indicator of the battery cell condition (see Abstract; Figs. 6 to 11; and col. 2, lines 43 to 68). The member (18) is thus NOT a reinforcing rib. Since the member (18) is purposely and necessarily resilient and yielding, it cannot provide any reinforcement.

More importantly, the member (18) according to Jensen is NOT integral with the see-through window as required in present amended independent claim 1. To the contrary, it is a separate discrete member that is connected to the edge of one of the battery plates within the battery casing, and merely presses variably and movably against the inner surface of the window (see col. 2, line 40 to col. 4, line 16). There would have been no suggestion to make the member (18) integral with the window, and also no enabling disclosure of how that would even have been possible to carry out while still achieving the intended purpose of serving as a battery condition indicator.

For the above reasons, the invention of independent claim 1 and its dependent claims 3 and 6 would not have been obvious over JP '641 or JP '235 further in view of Jensen. The Examiner is respectfully requested to withdraw this rejection.

- 7) Referring to the bottom of page 4 and the top of page 5 of the Office Action, the rejection of claim 7 has been obviated by the cancellation of claim 7.
- 8) New dependent claims 8 to 10 recite additional features that further distinguish the invention over the prior art. Claims 8 and 9 separately and individually recite the alternative possibilities of claim 6. Claim 10 makes clear that the reinforcing rib is "aligned" with the partition by lying on a common plane with the partition.
- 9) New independent claim 11 defines an inventive combination of features with somewhat different claim format and terminology in comparison to independent claim 1. According to claim 11, the battery case is a single-piece integrally molded unitary member integrally including the sidewalls and the partitions, wherein the see-through window is integrally connected with the opaque wall in which it is provided and integrally connected with at least one of the partitions. Also, the reinforcing ribs are integrally connected with the see-through window. At least one of the reinforcing ribs lies on an outer surface of the window on a common plane with at least one of the partitions. These features of the invention are exemplified in present Figs. 2, 3 and 5. The references, as discussed above, do not disclose and would not have suggested such a combination of features, especially wherein the ribs are integral with the window, which is further integral with the partitions and the opaque wall, and at least one of the ribs lies on the same plane with at least one

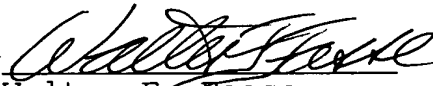
of the partitions. New claims 12 to 15 recite further significant patentable features of the invention depending from claim 11.

- 10) Favorable reconsideration and allowance of the application, including all present claims 1 to 6 and 8 to 15, are respectfully requested.

Respectfully submitted,

Tatsuya HIRANO et al.
Applicant

WFF:ar/4304
Encls.: postcard,
Letter to Draftsman,
Replacement Sheet with Fig. 2,
Annotated Sheet with Fig. 2,
Term Extension.
Form PTO-2038,
IDS, Third Form PTO-1449,
1 reference,
1 Partial English Translation,
copy and English Translation of
Japanese Office Action

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CERTIFICATE OF MAILING:

I hereby certify that this correspondence with all indicated enclosures is being deposited with the U. S. Postal Service with sufficient postage as first-class mail, in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date indicated below.

 9/20/04
Name: Walter F. Fasse - Date: September 20, 2004

In the Drawings:

Please replace the original drawing sheet bearing Fig. 2 by the enclosed Replacement Sheet. In Fig. 2, the direction of the section line arrows V - V has been corrected to properly represent the direction of the sectional view of Fig. 5, as shown in the enclosed Annotated Sheet of Fig. 2. All remaining sheets and figures of the drawings remain unchanged.

[REMARKS FOLLOW ON NEXT PAGE]



ANNOTATED SHEET

FIG.2

